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June 27, 2014

Mr. Gary Shinners, Executive Secretary National Labor Relations Board 1099 14th St. N.W. Washington, D.C. 20570-0001

RE: Utility Workers Local 537 v. Pennsylvania American Water Co., Consolidated 06-CA-037197; 06-CA-037198; 06-CA-037202; 06-CA-037241; 06-CA-037243

Dear Mr. Shinners:

On January 5, 2011, Regional Director Dorothy L. Moore-Duncan issued to Pennsylvania American Water Company ("PAW"), a Charge filed by the Utility Workers Local 537 ("Local 537"). Hearings and briefings in this matter resulted in a Decision by David I. Goldman, Administrative Law Judge, in favor of Local 537. Exceptions to the decision were timely filed, and oral arguments were requested before the Board. Oral arguments were not granted, and the Board affirmed the decision of ALJ Goldman.

On or about July 25, 2013, PAW filed a Motion for Reconsideration and Stay of Decision, citing *Noel Canning v. NLRB*, 705 F.3d 490 (D.C. Cir. Jan. 25, 2013) as support for the position that the Board Members who decided the above referenced matter were improperly appointed, and thus the decision was without effect. We further sent a letter, dated September 25, 2014, citing *Hooks ex rel. NLRB v. Kitsap Tenant Support Servs.*, No. C13-5470, 2013 U.S. Dist. LEXIS 114320 (W.D. Wash. August 13, 2013), arguing that the Acting General Counsel and Regional Director did not have the requisite authority to issue Complaints in this matter.

At this time, there has been no action taken on the above referenced Motion for Reconsideration, pending the Supreme Court's decision in *Noel Canning*, which was issued June 26, 2014. We note the "Statement of NLRB Chairman Mark Gaston Pearce on the Supreme Court's Noel Canning Decision." Understanding that the Board is currently deciding how to handle our case, and others similarly situated, PAW respectfully requests the opportunity to participate in oral arguments before the Board when it reconsiders the above referenced matter,

given the important issues involved regarding sympathy strikes. I ask that you please forward this letter to the Board. Thank you in advance for your attention to this matter.

Respectfully Submitted,

James W. Southworth Craig M. Brooks

Attorneys for Respondent Pennsylvania American Water Company

JWS/mp

cc: David L. Shepley, Esq. Samuel J. Pasquarelli, Esq.

UNITED STATES OF AMERICA BEFORE THE NATIONAL LABOR RELATIONS BOARD

UTILITY WORKERS UNION OF AMERICA

Charging Party,

Consolidated:

06-CA-037197

SYSTEM LOCAL 537, AFL-CIO,

06-CA-037198

06-CA-037202

06-CA-037241

06-CA-037243

v.

PENNSYLVANIA AMERICAN WATER CO.,

Respondent.

CERTIFICATE OF SERVICE

The undersigned hereby certifies that a true and correct copy of the foregoing Letter Pennsylvania American Water Company's Motion for Reconsideration and Stay of Decision dated June 28, 2013 via the NLRB E-Filing System and served copies on the following via e-mail on June 27, 2014:

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Bv.

James W Southworth, Esquire